

EXHIBIT A PART 2

4) Pending the issuance of final relief herein, defendants be restrained from performing any further work of any kind on the subject premises aside from protecting and securing the premises in conformity with the stop work order issued by plaintiff; and

5) Plaintiff have such other and further relief as to this Court may seem just, proper, and equitable including reasonable attorney fees, disbursements and court costs incurred in this action.

Dated: Newburgh, New York
June 21, 2007

Yours, etc.,
TARSHIS, CATANIA, LIBERTH,
MAHON & MILLIGRAM, PLLC

By: 

Steven I. Milligram, Esq.
Attorneys for Plaintiff
One Corwin Court
P.O. Box 1479
Newburgh, New York 12550
Tel. No. (845) 565-1100

STATE OF NEW YORK COUNTY OF ORANGE
SUPREME COURT

=====X
THE CITY OF NEWBURGH,

Plaintiff,

-against-

96 BROADWAY, LLC, and
DOUGLAS R. DOLLINGER

Index Number:

Defendants,

=====X

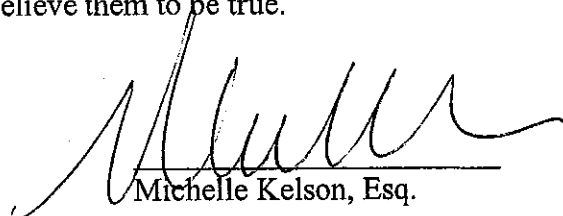
VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

Michelle Kelson, Esq., being duly sworn, deposes and says:

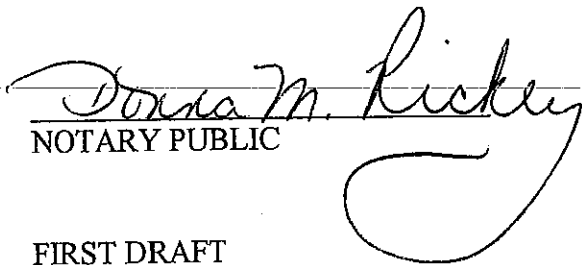
1. I am assistant corporation counsel for the City of Newburgh, the plaintiff in the within proceeding.

2. I have read the annexed complaint, I am familiar with the contents thereof, the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true.


Michelle Kelson, Esq.

Sworn to before me on the 21st

Day of June, 2007.


NOTARY PUBLIC

FIRST DRAFT

DONNA M. RICKEY
Notary Public, State of New York
No. 01RI4705930
Residing in Orange County
Commission Expires April 30, 20 11

Exhibit A

*PC/Codebook
City of Newburgh, NY*

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART
II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE V, Historic and
Architectural Design Overlay Districts**

ARTICLE V, Historic and Architectural Design Overlay Districts

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART
II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE V, Historic and
Architectural Design Overlay Districts / § 300-22. Purpose.**

§ 300-22. Purpose.

It is hereby a matter of public policy that the protection, enhancement and perpetuation of historic, architectural and cultural structures, buildings and properties is necessary to promote the economic, cultural, education, and general welfare of the public. Inasmuch as the identity of a people is founded on its past, and inasmuch as the City of Newburgh has many significant historic, architectural and cultural resources which constitute its heritage, this article is intended to:

- A. Designate, protect and enhance the landmarks, historic districts and architectural districts which represent distinctive elements of the City of Newburgh's historic, architectural, and cultural heritage;
- B. Foster civic pride in the accomplishments of the past;
- C. Protect and enhance the City of Newburgh's attractiveness to visitors, thereby supporting and stimulating the local and regional economy; and
- D. Ensure the harmonious, orderly, and efficient growth and development of the City of Newburgh.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART
II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE V, Historic and
Architectural Design Overlay Districts / § 300-23. Architectural Review
Commission.**

§ 300-23. Architectural Review Commission.

*PC/Codebook
City of Newburgh, NY*

- A. Creation; membership. There is hereby created a Commission to be known as the "City of Newburgh Architectural Review Commission." The Review Commission shall consist of seven members to be appointed by the City Manager as follows: [Amended 8-12-2002 by Ord. No. 17-2002]^{EN(1)}
- (1) At least one shall be an historian; such member may be a nonresident of the City; [Amended 6-9-2003 by Ord. No. 10-2003]
 - (2) At least three shall be residents of a historic district or architectural design district established within the City or residents of a designated individual landmark building;
 - (3) At least one shall be an architect;
 - (4) All should have demonstrated significant interest in and commitment to the field of historic preservation or architecture evidenced by involvement in a local historic preservation group, employment or volunteer activities in the field of historic preservation or architecture, and serious interest in the field; and
 - (5) Except as provided above, all members shall be residents and shall have an interest in historic preservation and architectural development within the City of Newburgh.
- B. Terms of office. Commission members shall serve a term of five years, with the exception of the initial terms of the members, one of which shall be one year, one of which shall be two years, one of which shall be three years, one of which shall be four years, and one of which shall be five years.
- C. Chairman. The Chairman shall be appointed by the City Manager. If he shall not appoint a Chairman, then the Chairman shall be elected by and from among the members of the Commission.
- D. Vacancies. Vacancies occurring other than by expiration of term shall be filled for the remainder of the unexpired term in the same manner as the original appointments.
- E. Meetings. The Review Commission shall meet at least monthly, but meetings may be held at any time on the written request of any of the Commission members or on the call of the Chairman or the City Manager.
- F. Quorum. A quorum for the transaction of business shall consist of four of the Commission's members, but not less than a majority of the full authorized membership may grant or deny a certificate of appropriateness or recommend the designation of a landmark, historic district or architectural design district. [Amended 4-14-2003 by Ord. No. 3-2003]

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART

II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE V, Historic and Architectural Design Overlay Districts / § 300-24. Powers and duties of Review Commission.

§ 300-24. Powers and duties of Review Commission.

- A. The Review Commission shall exercise aesthetic judgment so as to maintain the character of historic and architectural design districts, or a landmark, and to prevent construction, reconstruction, alteration or demolition which would be out of harmony with the style, materials, colors, line and details of same.
- B. The Review Commission shall act as an advisory board to review any application for variances and/or special use permits in the district not previously presented to it for approval and shall present its recommendations to both the Zoning Board of Appeals and the Planning Board of the City of Newburgh.
- C. In addition to the aforementioned powers, the powers of the Commission shall include:
 - (1) Employment of staff and professional consultants to the extent funds therefor are budgeted by the Council as necessary to carry out the duties of the Commission.
 - (2) Promulgation of rules and regulations, which shall be subject to the approval of the City Manager, as necessary for the conduct of its business.
 - (3) Adoption of criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic districts.
 - (4) Conduct of surveys of significant historic, architectural, and cultural landmarks and historic districts within the city.
 - (5) Designation of a building, structure or property or a collection of buildings, structures or properties as a landmark, historic district or architectural design district, hereafter referred to as "designated properties."
 - (6) Acceptance on behalf of the City government of the donation of facade easements and development rights, and the making of recommendations to the City government concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this article.
 - (7) Increasing public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
 - (8) Making recommendations to City government concerning the utilization of state, federal

or private funds to promote the preservation of designated properties within the city.

- (9) Recommending acquisition of designated property by the City government where its preservation is essential to the purposes of this article and where private preservation is not feasible.
- (10) Approval or disapproval of applications for certificates of appropriateness pursuant to this article as to designated properties pursuant to this article and as to all changes in exterior features or demolition of designated properties duly established by ordinance of the city.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE V, Historic and Architectural Design Overlay Districts / § 300-25. Designation of landmarks, historic districts or architectural design districts.

§ 300-25. Designation of landmarks, historic districts or architectural design districts.

A. Landmark designation.

- (1) The Commission may recommend to the City Council the designation of a structure, building, or property as a landmark if it:
 - (a) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the City of Newburgh, Hudson River Valley, New York State or the United States;
 - (b) Is identified with historic personages;
 - (c) Embodies the distinguishing characteristics of an architectural style;
 - (d) Is the work of a designer whose work has significantly influenced an age; or
 - (e) Because of a unique location or singular physical attribute, represents an established and familiar visual feature of the neighborhood.
- (2) Notice of a proposed designation shall be sent by regular mail to the owner of the property proposed for designation at the address on file for said property owner with the City Assessor, describing the property proposed and announcing a public hearing by the City Council to consider the designation. The proposal shall also be published at least once in all official newspapers of the City at least five days prior to the date of the public hearing. Once the City Council has issued notice of a proposed designation, no building permit shall be issued by the Building Inspector until the City Council has made its

decision.

- (3) The City Council shall hold a public hearing prior to designation of any landmark. The Commission, owners, and interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing.
- (4) The City Council shall forward notice of each property designated as a landmark to the office of the Orange County Clerk for recordation.
- (5) The location of each landmark designated henceforth shall be specified in detail and shall be filed, in writing, in the Building Inspector's office for public inspection.

B. Historic district or architectural design district.

- (1) The Commission may recommend to the Council the designation of a group of properties as a historic district or architectural design district if the proposed district:
 - (a) Contains properties which meet one or more of the criteria for designation of a landmark; and
 - (b) By reason of possessing such qualities, constitutes a distinct section of the city.
- (2) Designation of a historic district or architectural design district represents an amendment to this chapter and Zoning Map and shall be done in accordance with the procedures contained in § 300-9 of this chapter and in accordance with § 83 of the General City Law of the State of New York.
- (3) The location of each historic district or architectural design district designated henceforth shall be specified in detail and shall be filed, in writing, in the Building Inspector's office for public inspection.
- (4) The location of each historic district or architectural district shall be shown as an overlay district on the City of Newburgh Zoning Map.
- (5) The City Council shall forward notice of each designated historic district or architectural design district to the office of the Orange County Clerk for recordation.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE V, Historic and Architectural Design Overlay Districts / § 300-26. Certificate of appropriateness.

§ 300-26. Certificate of appropriateness.

- A. Certificate required. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark, nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of a district and its designated properties, without first obtaining a certificate of appropriateness.
- B. In passing upon an application for a certificate of appropriateness, the Commission shall not consider changes to interior spaces, unless they are open to the public, or to architectural features that are not visible from a public place, public street or alley.
- C. Decisionmaking. The Commission's decision shall be based upon the following principles:
- (1) Designated properties which contribute to the character of an historic district or architectural design district shall be retained, with their historic or architectural features altered as little as possible;
 - (2) Any alteration of a designated property shall be compatible with its historic character, as well as with the surrounding district; and
 - (3) New construction shall be compatible with the district in which it is located and with the design guidelines established for such district.
- D. Principles of compatibility. The Commission shall consider the following factors:
- (1) The general design, character, and appropriateness to the property of the proposed alteration or new construction.
 - (2) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
 - (3) Texture, materials, and color and their relation to similar features of other properties in the neighborhood.
 - (4) Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties in streets, including setback.
 - (5) The importance of historic, architectural or other features to the significance of the property.
 - (6) The proposed action's consistency with design guidelines established for an historic or

architectural design district.

- E. Certificate of appropriateness procedure. Prior to the commencement of any work requiring a certificate of appropriateness the owner shall file an application for such a certificate with the Commission. The application shall contain:
- (1) Name, address, and telephone number of the applicant.
 - (2) Location and photographs of the property and any structures located thereon.
 - (3) Elevation drawings of proposed changes, if available.
 - (4) Perspective drawings, including relationship to adjacent properties, if available.
 - (5) Samples of color or materials to be used.
 - (6) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination and a plan showing the sign's location on the property.
 - (7) Any other information which the Commission may deem necessary in order to visualize the proposed work, including a representation of all phases of a proposed project.
 - (8) Copies of any site plans or subdivision plans as may be required by ordinance of the city.
 - (9) Copies of all SEQRA documents and proceedings.
- F. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Commission. The certificate of appropriateness required by this section shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Newburgh.
- G. The Commission shall approve, deny, or approve the application for a certificate with modifications within 30 days from the closing of the public hearing, if any, and otherwise within 30 days from the receipt of the completed application. The Commission shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of such public hearing shall be published in the official newspaper of the City of Newburgh at least five days prior to said hearing, provided that a public hearing shall not be required for an application limited to approval of paint color or repair or maintenance of a building or structure or property that does not involve the alteration or removal of any exterior feature.
- H. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by regular mail and a copy filed with the Building Inspector's office for public inspection. The

Commission's decision shall state the reasons for denying or modifying any application.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE V, Historic and Architectural Design Overlay Districts / § 300-27. Hardship criteria.

§ 300-27. Hardship criteria.

- A. An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the ground of hardship. In order to provide the existence of hardship, the applicant shall establish that:
- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.
 - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
 - (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- B. An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.
- C. Hardship application procedure. After receiving written notification from the Commission of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.
- D. Public hearing. The Commission shall hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notices of such public hearing shall be published in the official newspaper of the City at least five days prior to said hearing.
- E. Alternatives analysis. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
- F. Decisions and filing. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by regular mail and a copy filed with the Building Inspector's office for

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public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE V, Historic and Architectural Design Overlay Districts / § 300-28. Administration and enforcement.

§ 300-28. Administration and enforcement.

- A. Enforcement. All work performed pursuant to a certificate of appropriateness issued under this article shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance. In the event work is found that is not being performed in accordance with a certificate of appropriateness, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.
- B. Maintenance required. Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in the design, material, color, or outward appearance. No owner or person with an interest in a designated property shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural or historic feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of a historic or architectural district as a whole or the life and character of a landmark. Examples of such deterioration include:
- (1) Deterioration of exterior walls or other vertical supports;
 - (2) Deterioration of roofs and other horizontal members;
 - (3) Deterioration of exterior chimneys;
 - (4) Deterioration or crumbling of exterior stucco or mortar;
 - (5) Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors; and
 - (6) Deterioration of any features so as to create a hazardous condition which could lead to a claim that demolition is necessary for the public safety.
- C. Violations.
- (1) Failure to comply with any of the provisions of this article shall be deemed a violation,

and upon conviction the violator shall be liable to a fine of not less than \$250 or 15 days in jail or both for each day the violation continues.

- (2) Any person who demolishes, alters, constructs or permits a designated property to fall into a serious state of disrepair in violation of this article shall be required to restore the property and its site to its appearance prior to the violation. An action to enforce this subsection may be brought by the City in any court of competent jurisdiction. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

D. Appeals. Any person aggrieved by a decision of the Commission relating to hardship or a certificate of appropriateness may, within 30 days of the decision, file a notice of petition pursuant to Article 78 of the Civil Practice Law and Rules to the Supreme Court.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE V, Historic and Architectural Design Overlay Districts / § 300-29. Designation of districts and standards.

§ 300-29. Designation of districts and standards.

- A. Design guidelines. The City Council, by resolution, may adopt design guidelines for any historic or architectural design district. Said design guidelines shall be drafted with the input and participation of the Review Commission and owners of property located within the district. A public hearing shall be held prior to the adoption of design guidelines, and notice of said public hearing shall be in accordance with § 300-25A(2).
- B. The Review Commission, in its deliberations, shall be guided by design guidelines that have duly been adopted by the City Council in any review authorized herein.
- C. Historic District: East End.
- (1) Features regulated. These standards shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical features, earthworks, paving, sidewalks and signs within the Historic District. No changes in any exterior architectural feature, including but not limited to construction, reconstruction, alteration, restoration, removal, demolition, or painting, shall be made in such district except as hereinafter provided.
- (2) Materials. All improvements must present a finished appearance similar to that given by the building materials commonly employed in the appropriate historic period or common to the style and period of the designated property. These materials are generally of three types: wood, stone or brick. No larger areas of polished metal, glass or aluminum siding

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will be allowed.

- (3) Site design. In determining building setback for new construction, the Commission may require new buildings to be set behind existing building lines to give emphasis to existing structures of historic or aesthetic merit or to allow for suitable landscaping. However, no setback may be required which is greater than that required in the district.
- (4) Landscaping and paving. Landscaping is deemed an important element of site development and may be required by the Commission as an integral part thereof.
- (a) Evergreen materials may be required for screening functions.
- (b) Bluestone and slate laid in concrete are the only materials allowed for sidewalks. Curbs may only be constructed of slate or granite in an adequate foundation.
- (c) Maintenance of plant material shall be the responsibility of the owner, including the responsibility to keep growth trimmed and trained to meet the Commission's requirement.
- (5) Parking. Parking areas shall be partially screened from public view with appropriate walls, fences or landscaping. The area allotted for the planting around parking lots shall be at least 5% of the amount allotted to the parking surface.
- D. Architectural Design District: Colonial Terraces. The Review Commission, in its deliberations, shall be guided by the "Colonial Terraces Design Guidelines" duly adopted by the City Council by Ordinance 3-2005 dated 6-20-2005.
- E. Architectural Design District: Hudson Waterfront. The Review Commission, in its deliberations, shall be guided by the "Hudson Waterfront Design Guidelines" duly adopted by the City Council by Ordinance ____ dated _____.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART
II GENERAL LEGISLATION / Chapter 300, ZONING / ARTICLE VI, View
Preservation Overlay District**

*PC/Codebook
City of Newburgh, NY*

Endnotes

1 (Popup - Popup)

Editor's Note: This ordinance also provided that the initial terms of the additional members appointed after the adoption of this ordinance shall be five years for the first such member appointed, and shall expire as of December 31, 2006, and four years for the second such member appointed, and shall expire as of December 31, 2005.

Exhibit B

BUILDING INSPECTOR'S OFFICE
CITY OF NEWBURGH

22 Grand Street

Phone: 569-7400

PERMIT NUMBER _____

DATE SUBMITTED 1-17-06
DATE OF ISSUE _____**INSTRUCTIONS**

This application must be completely filled in by typewriter or printed in ink and submitted to the building inspectors office.

A plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, the existing or proposed connections to city water and sewer mains, provisions for handling storm water run off and giving detailed description of layout of property must be on the diagram which is a part of this application or be drawn as a separate item and submitted with this application.

This application must be submitted with two complete sets of plans showing proposed construction and two complete sets of specifications. New York State law, under Section 7307 of the New York State Education Law, requires that new buildings or alterations costing \$10,000.00 or more or changes that affect the structural safety of a building must be stamped and signed by a New York State licensed professional engineer or architect. Plans and specifications shall describe the nature and scope of the work to be performed, the materials and equipment to be used and details of structural, mechanical, electrical and plumbing installations.

The work covered by this application may not be commenced until the issuance of a building permit.

Upon approval of this application, the building inspector will issue a building permit to the applicant together with approved duplicate set of plans and specifications. Such permit and plans and specifications shall be kept on the premises available for inspection throughout the progress of the work.

No building shall be occupied or used in whole or in part for any purpose whatever until an application is made for and a certificate of occupancy shall have been granted by the building inspector.

LOCATION OF PROPERTY: 96 Broadway, City of Newburgh, Newburgh, NY 12550
 (GIVE STREET NUMBER AND NAME OR NAME AND DISTANCE FROM NEAREST CROSS STREET)

ZONE: _____ SECTION: 30 BLOCK: 5 LOT: 22

OWNERS NAME: 96 Broadway, L.L.C.

OWNERS ADDRESS: 96 Broadway, City of Newburgh, Newburgh, NY 12550

OWNERS PHONE: (845) 562-9601

CONTACT PERSON: Douglas R. Dollinger, Esq.

BUILDING INSPECTOR'S OFFICE CITY OF NEWBURGH

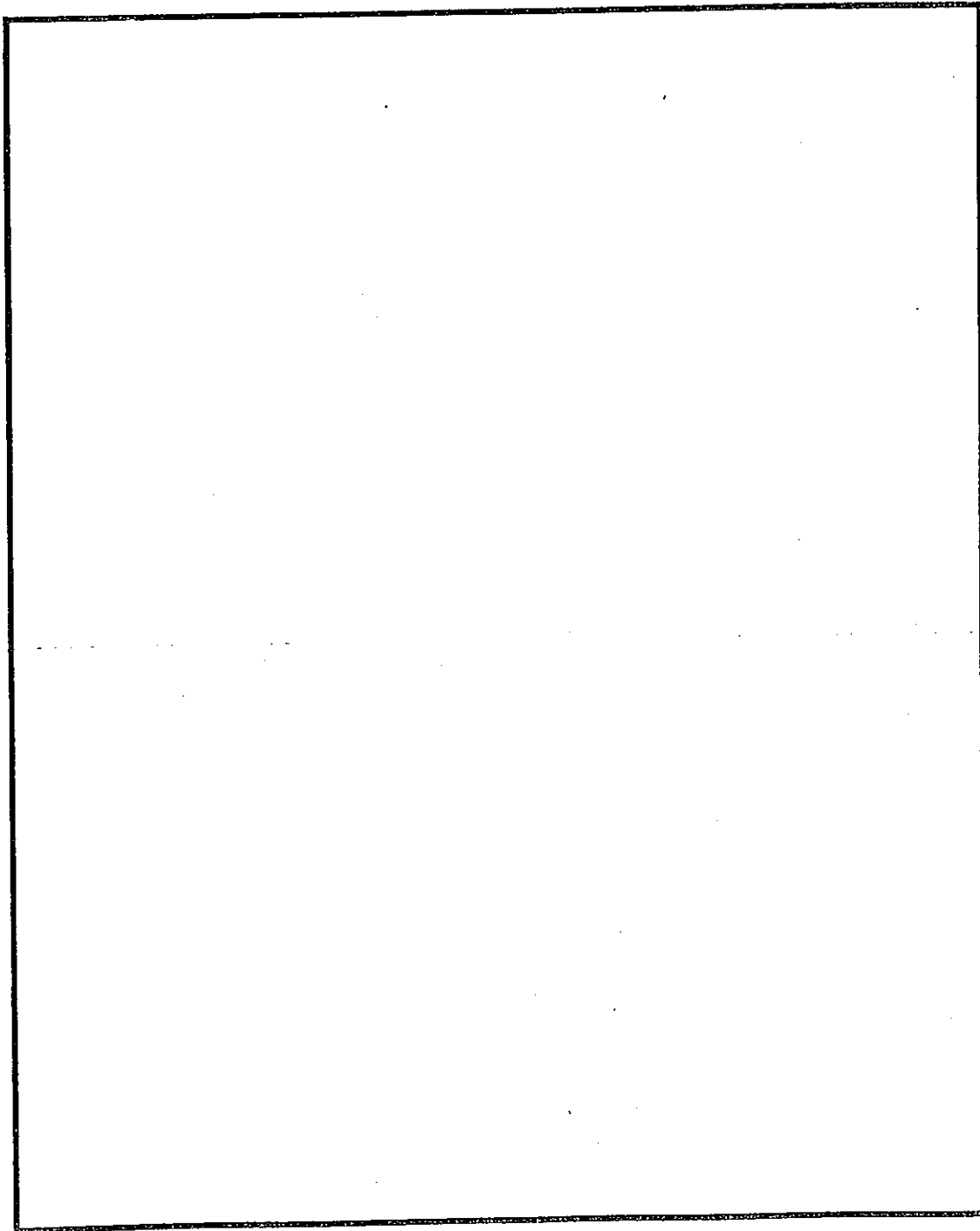
10. Name of Contractor: Sett MAXIMUM SOLUTIONS INC
Address: _____
Phone: _____
11. Name of Electrician: Pending
Permit Number: _____ Phone: _____
12. Name of Plumber: Pending
Permit Number: _____ Phone: _____
13. What type of heat in building; will heating plants be located on each floor or will there be a central heating plant:
Hot air, separate for each floor

PROVIDE A BRIEF DESCRIPTION OF THE WORK THAT IS GOING TO BE PERFORMED:

Demolition interior/extension

DUMPSTER PERMIT NUMBER: 711
ESTIMATED COST: ~~155,000.00~~ 150,000
STARTING DATE: ASAP
ESTIMATED FINISH DATE: Thirty days.

ALL APPLICATIONS SHALL INCLUDE A PLOT PLAN THAT IS DRAWN TO SCALE, SHOWING THE LOCATION AND SIZE OF ALL PROPOSED NEW CONSTRUCTION ALL EXISTING STRUCTURES ON THE SITE, THE EXISTING OR PROPOSED CONNECTIONS TO THE CITY WATER OR SEWER MAINS, PROVISIONS FOR THE HANDLING OF STORM WATER RUN OFF, DISTANCES FROM LOT LINES, THE RELATIONSHIP OF STRUCTURES ON ADJOINING PROPERTY, WIDTHS AND GRADES OF ADJOINING STREETS, WALKS AND ALLEYS.



BUILDING INSPECTOR'S OFFICE CITY OF NEWBURGH

**** NOTICE ****
FOR FIRST TIME CONNECTION INTO CITY SEWER SYSTEM

CONNECTIONS TO CITY SEWER SYSTEM:

NOTE: THE HEALTH DEPARTMENT REQUIRES A SPACE OF AT LEAST TEN
(10) FEET BETWEEN WATER AND SEWER SERVICE

TAPPING SEWER MAIN:

THE OWNER OR HIS CONTRACTOR SHALL MAKE A COMPLETE
INSTALLATION FOR SEWER SERVICE. ALL WORK SHALL BE UNDER THE
DIRECTION AND SUPERVISION OF THE DEPARTMENT OF PUBLIC
WORKS.

STREET OPENING FOR SEWER CONNECTIONS:

A STREET OPENING PERMIT MUST BE OBTAINED BEFORE EXCAVATING IN
THE CITY'S RIGHT OF WAY FOR THE PURPOSE OF MAKING A CONNECTION
INTO THE CITY SEWER OR WATER MAIN. THIS PERMIT MUST BE OBTAINED
BEFORE BUILDING PERMIT CAN BE ISSUED.

INSTALLATION AND MAINTENANCE COSTS:

ALL COSTS INCIDENTAL TO THE INSTALLATION AND CONNECTION OF THE
BUILDING SEWER AS WELL AS MAINTENANCE AND REPAIR OR REPLACEMENT
OF THE BUILDING SEWER LATERAL SHALL BE BORNE BY THE OWNER.

INDUSTRIAL USERS:

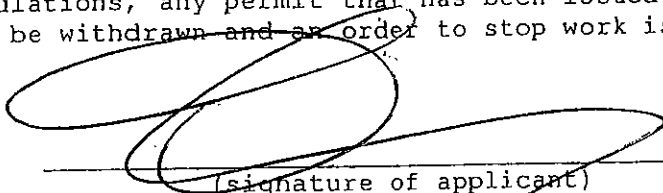
ALL INDUSTRIAL USERS PROPOSING TO CONNECT INTO THE CITY SEWER
SYSTEM MUST COMPLETE AN INDUSTRIAL WASTEWATER DISCHARGE PERMIT
APPLICATION THAT IS OBTAINABLE FROM THE CITY ENGINEERS OFFICE.

FEES:

| | |
|---------------------------------------|---------|
| RESIDENTIAL OR COMMERCIAL CONNECTIONS | \$40.00 |
| INDUSTRIAL CONNECTIONS | \$60.00 |
| OTHER REQUIRED PERMITS | |

| TYPE: | WHERE OBTAINED | REQUIRED (Y/N) | DONE (Y/N) |
|-----------------------|-------------------|-------------------|---------------|
| ZONING VARIANCE | BLDG. INSP. | _____ | _____ |
| SPECIAL USE PERMIT | BLDG INSP. | _____ | _____ |
| PLANNING BOARD REVIEW | BLDG INSP. | _____ | _____ |
| CONST. TRAILER PERMIT | BLDG. INSP. | _____ | _____ |
| BLASTING PERMIT | FIRE DEPT. | _____ | _____ |
| STREET OPENING PERMIT | BLDG INSP. | _____ | _____ |
| INSTALL GAS TANK | FIRE DEPT. | _____ | _____ |
| ELECTRIC PERMIT | ELECTRICIAN (LIC) | _____ | _____ |
| PLUMBING PERMIT | PLUMBER (LIC) | _____ | _____ |
| SIGN PERMIT | BLDG. INSP. | _____ | _____ |
| SCAFFOLD PERMIT | BLDG. INSP. | _____ | _____ |
| SIDEWALK PERMIT | BLDG. INSP. | _____ | _____ |
| CURB CUT PERMIT | BLDG. INSP. | _____ | _____ |
| CRANE Permit | BLDG. INSP. | _____ | _____ |
| DEMOLITION | BLDG. INSP. | _____ | _____ |
| HISTORIC REVIEW | BLDG. INSP. | _____ | _____ |
| OIL BURNER | BLDG INSP. | _____ | _____ |

Application is hereby made to the Building Inspector of the City of Newburgh for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Construction Code for the construction of buildings, additions or alterations, or the removal or demolition, as herein described. The applicant agrees to comply with all applicable laws, ordinances and regulations. Applicant further agrees that the City of Newburgh Building Inspector or his designate will be permitted to perform periodic inspections of this property to insure that work is being performed according to these codes, ordinances or regulations. It is understood by the applicant that if work is not performed according to codes, ordinances or regulations, any permit that has been issued by the Building Inspector may be withdrawn and an order to stop work issued.


 (signature of applicant)

COMPLETE THIS SECTION ONLY IF APPLICANT IS OTHER THAN OWNER

_____ swears and says that
 he/she

is the applicant signed above. He/she is the Agent _____, Corporate Officer _____ Contractor _____ of said owner or owners and is duly authorized to perform the said work and to make and file this application; That all statements contained in this application are true to the best of his/her knowledge and belief; that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith.

Subscribed and sworn to before

me on _____ 20 _____

 (signature of applicant)

 (address of applicant)

 (address of applicant)

 (Notary Public)

 (telephone number of applicant)

ABOVE STATEMENT MUST BE SIGNED AND NOTARIZED PRIOR TO SUBMITTING
 APPLICATION
 OFFICE USE ONLY

PLANS REVIEWED BY: _____ DATE _____

SPECIFICATIONS REVIEWED BY: _____ DATE: _____

APPLICATION APPROVED BY: _____ DATE: _____

RECEIPT NUMBER: A8665 CENSUS CODE NO: _____

FEEES:

| | |
|-------------------|----------------|
| BUILDING PERMIT | <u>\$1,500</u> |
| BLASTING PERMIT | _____ |
| SEWER CONNECTION | _____ |
| SIGN(S) PERMIT | _____ |
| SCAFFOLD PERMIT | _____ |
| SIDEWALK PERMIT | _____ |
| CURB CUT PERMIT | _____ |
| CRANE PERMIT | _____ |
| DEMOLITION PERMIT | _____ |

TOTAL: \$1,500
CL. 1059

City of Newburgh
Building Inspectors Office

22 Grand Street
Newburgh, NY 12550

Phone: (914) 569-7400
Fax: (914) 569-7435

BUILDING PERMIT APPLICATION CHECK LIST

1. _____ TYPE OF MATERIALS TO BE USED.
2. _____ MEASUREMENTS
3. _____ RAILINGS (DIMENSIONS)
4. _____ FOOTINGS (DEPTH AND DIMENSIONS)
5. _____ SUPPORT BEAMS
6. _____ TYPE OF DECKING
7. _____ FRAMING, SIZE, AND SPACING BETWEEN
8. _____ STAIRS (HOW MANY), DIMENSIONS OF RISERS, TREAD, WIDTH
9. _____ EXTERIOR WALLS, TYPE OF SHEATHING
10. _____ TYPE OF INSULATION AND R-VALUE
11. _____ ROOF RAFTERS, SIZE AND SPACING BETWEEN
12. _____ FLOOR JOISTS, SIZE AND SPACING BETWEEN
13. _____ FLOOR PLAN SHOWING WALLS, DOORS, WINDOWS

**CITY OF NEWBURGH
BUILDING INSPECTOR'S OFFICE**

22 Grand Street
Newburgh, New York 12550

Phone: 569-7400
Fax: 569-7435

TO ALL GENERAL CONTRACTORS WITH WORKERS COMPENSATION INSURANCE

For businesses listed as the general contractors on building permits, proof that they are in compliance with Section 57 of the Workers Compensation Law is on one of the following forms that indicate that they are:

- Insured (WC/DB 100) (replaces C105.21)
- Accord Insurance Form is no longer accepted
- Self Insured (S1-12)

Under the mandatory coverage provisions of the WCL, any residence that is not a 1,2,3 or 4 family, owner occupied residence is considered a business (income or potential income property) and must prove compliance by filing on the of the above forms.

If you have any further questions, please contact:

Workers Compensation Office
41 North Division Street
Peekskill, New York 10566
(914) 788-5775

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- ☐ I am performing all the work for which the building permit was issued.
- ☐ I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- ☐ I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ✦ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit; OR
- ✦ have the general contractor, performing the work on the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:

Sworn to before me this _____ day of _____

(County Clerk or Notary Public)

| | | | | | | | | | | |
|---|--|---|--|--|---|--|---|--|---|---|
| NYS WCB WC/DB 100/101 100 Broadway Menands ALBANY 12241 (866) 750-5157 Fax# (518) 473-9166 | NYS WCB WC/DB 100/101 State Office Building 44 Hawley Street BINGHAMTON 13901 (866) 802-3604 Fax# (607) 721-8464 | NYS WCB WC/DB 100/101 111 Livingston St. 22nd Floor BROOKLYN 11201 (800) 877-1373 Fax# (718) 802-6642 | NYS WCB WC/DB 100/101 107 Delaware Ave. BUFFALO 14202 (866) 211-0645 Fax# (716) 842-2155 | NYS WCB WC/DB 100/101 220 Rabro Drive Suite 100 HAUPPAUGE 11788 (866) 681-5354 Fax# (631) 952-7966 | NYS WCB WC/DB 100/101 175 Fulton Ave. HEMPSTEAD 11550 (866) 805-3630 Fax# (516) 560-7807 | NYS WCB WC/DB 100/101 215 W. 125th St. 3rd Floor NEW YORK 10027 (800) 877-1373 Fax# (212) 316-9183 | NYS WCB WC/DB 100/101 41 North Division St. PEEKSKILL 10566 (866) 746-0552 Fax# (914) 788-5793 | NYS WCB WC/DB 100/101 168-46 91st Ave. 3rd Floor QUEENS 11432 (800) 877-1373 Fax# (718) 291-7248 | NYS WCB WC/DB 100/101 130 Main St. ROCHESTER 14614 (866) 211-0644 Fax# (585) 238-8341 | NYS WCB WC/DB 100/101 935 James St. SYRACUSE 13203 (866) 802-3730 Fax# (315) 423-2938 |
|---|--|---|--|--|---|--|---|--|---|---|

Affidavit For New York Entities And Any Out Of State Entities With No Employees, That New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage Is Not Required

(Incomplete forms will be returned - Please contact an attorney if you have any questions regarding this form.)

****This form cannot be used to waive the workers' compensation rights or obligations of any party.****

The applicant may use this Affidavit ONLY to show a government entity that New York State specific workers' compensation and/or disability benefits insurance is not required. The applicant may NOT use this form to show either other businesses or those business' insurance carriers that such insurance is not required.

Applicant must either fax or mail this completed form to the closest New York State Workers' Compensation Board office at the fax number or address listed on the top of this form. Incomplete forms will be returned.

Please note: This statement must be notarized and also have been stamped by the New York State Workers' Compensation Board. This affidavit will not be accepted by government officials one year from the date received by the Workers' Compensation Board.

Upon receipt of a fully completed WC/DB 100 form, the Workers' Compensation Board will stamp this form as received and return it to you by either mail or fax. Please provide a copy (or the original, if required by the government entity) of this stamped form to the government entity from which you are requesting a permit, license or contract.

In the Application of (Business Name and Address)

for a _____ permit/license/contract

State of _____)

County of _____) ss.:

_____ (applicant's name) being duly sworn, deposes and says:

1. I am the _____ (position) with _____ (business or trade name), a _____ (type of business). The telephone number of the business is _____. The Federal

Employer Identification Number of the business (or the Social Security Number of the business owner) is _____. The New York State Unemployment Insurance Employer Registration Number (if any) of the business is _____. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this affidavit.

2. My personal address is _____ and my home telephone number is _____.

3. That the above named business is applying for a _____ (type of permit/ license/contract applying for) from _____ (governmental entity issuing the permit/ license/contract).

3a) {Optional - Location of where work will be performed in New York State from _____ to _____ (dates necessary

to complete work associated with permit/license/contract). The estimated dollar amount of project is _____.

4. That the above named business is certifying that it is exempt from obtaining New York State specific workers' compensation insurance coverage for the following reason (to be eligible for exemption, applicant must be able to truthfully check ONE of the boxes from 4a. through 4h.):

- ☐ 4a.) the business is owned by one individual and is not a corporation. Other than the owner, there are no employees, leased employees, borrowed employees, part-time employees or unpaid volunteers (including family members).
- ☐ 4b.) the business is a partnership under the laws of New York State and is not a corporation. Other than the partners, there are no employees, leased employees, borrowed employees, part-time employees or unpaid volunteers (including family members). (Must attach separate sheet with a list of all the partners names and also with the signatures of all the partners.)
- ☐ 4c.) the business is a one person owned corporation, with that individual owning all of the stock and holding all offices of the corporation. Other than the corporate owner, there are no employees, leased employees, borrowed employees, part-time employees or unpaid volunteers (including family members).

WORKERS' COMPENSATION REQUIREMENTS UNDER WCL §57

To comply with coverage provisions of the Workers' Compensation Law, businesses must:

- A) be legally exempt from obtaining workers' compensation insurance coverage; or
- B) obtain such coverage from insurance carriers; or
- C) be self-insured or participate in an authorized group self-insurance plan.

To assist State and municipal entities in enforcing Section 57 of the Workers' Compensation Law, businesses requesting permits or seeking to enter into contracts MUST provide ONE of the following forms to the government entity issuing the permit or entering into a contract:

- A) WC/DB-100, Affidavit For New York Entities And Any Out Of State Entities With No Employees, That New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage Is Not Required; OR

WC/DB-101, Affidavit That An OUT-OF-STATE OR FOREIGN EMPLOYER Working In New York State Does Not Require Specific New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage; OR

(Affidavits must be stamped as received by the NYS Workers' Compensation Board)

- B) C-105.2 -- Certificate of Workers' Compensation Insurance (the business' insurance carrier will send this form to the government entity upon request) PLEASE NOTE: The State Insurance Fund provides its own version of this form, the U-26.3; OR
- C) SI-12 -- Certificate of Workers' Compensation Self-Insurance (the business calls the Board's Self-Insurance Office at 518-402-0247), OR GSI-105.2 -- Certificate of Participation in Worker's Compensation Group Self-Insurance (the business' Group Self-Insurance Administrator will send this form to the government entity upon request).

DISABILITY BENEFITS REQUIREMENTS UNDER WCL §220 SUBD 8

To comply with coverage provisions of the Disability Benefits Law, businesses may:

- A) be legally exempt from obtaining disability benefits insurance coverage; or
- B) obtain such coverage from insurance carriers; or
- C) be self-insured.

Accordingly, to assist State and municipal entities in enforcing Section 220 Subd. 8 of the Disability Benefits Law, businesses requesting permits or seeking to enter into contracts MUST provide ONE of the following forms to the entity issuing the permit or entering into a contract:

- A) WC/DB-100, Affidavit For New York Entities And Any Out Of State Entities With No Employees, That New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage Is Not Required; OR

WC/DB-101, Affidavit That An OUT-OF-STATE OR FOREIGN EMPLOYER Working In New York State Does Not Require Specific New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage; OR

(Affidavits must be stamped as received by the NYS Workers' Compensation Board)

- B) Either the DB-120.1 -- Certificate of Disability Benefits Insurance OR the DB-820/829 Certificate/Cancellation of Insurance (the business' insurance carrier will send one of these forms to the government entity upon request); OR
- C) DB-155 -- Certificate of Disability Benefits Self-Insurance (the business calls the Board's Self-Insurance Office at 518-402-0247).

| | | |
|---|--|---|
| ACORD <small>TM</small> CERTIFICATE OF LIABILITY INSURANCE | | DATE (MM/DD/YYYY) 01/10/06 |
| PRODUCER Northeast Agencies Inc. 2495 Main St. Ste 209 Buffalo, NY 14214-2152 | | THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. |
| INSURED Maximum Solutions PO Box 47 Bellvale, NY 10912 | | |
| INSURERS AFFORDING COVERAGE | | NAIC # |
| INSURER A Ulica First Insurance ART 125046400 | | |
| INSURER B | | |
| INSURER C | | |
| INSURER D | | |
| INSURER E | | |

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR ADDL LTD INSRD | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS |
|------------------------|---|---------------|-------------------------------------|--------------------------------------|--|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR | TBD | | | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ |
| | GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> | | | | |
| | AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| | GARAGE LIABILITY ANY AUTO | | | | AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY AGG \$ |
| | EXCESS/UMBRELLA LIABILITY OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below | | | | WC STATUTORY LIMITS \$ E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$ |
| | OTHER | | | | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Additional Insureds: Family Health Center of Newburgh
 98-100 Broadway
 Newburgh, NY 12550

The Elks Club of Newburgh Lodge# 247
 153-155 Liberty St.
 Newburgh, NY 12550

96 Broadway LLC
 96 Broadway
 Newburgh, NY 12550

CERTIFICATE HOLDER

City of Newburgh
 123 Grand st.
 Newburgh, NY 12550

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



New York State Insurance Fund

Workers' Compensation & Disability Benefits Specialists Since 1914

105 CORPORATE PARK DRIVE SUITE 200, WHITE PLAINS, NEW YORK 10604-3814
Phone: (914) 253-4871

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

MAXIMUM SOLUTIONS INC
P O BOX 47
BELLVALE NY 109120047

POLICYHOLDER
MAXIMUM SOLUTIONS INC
P O BOX 47
BELLVALE NY 109120047

CERTIFICATE HOLDER
CITY OF NEWBURGH
BUILDING DEPT
22 GRAND STREET
NEWBURGH NY 12550

| POLICY NUMBER | CERTIFICATE NUMBER | PERIOD COVERED BY THIS CERTIFICATE | DATE |
|---------------|--------------------|------------------------------------|------------|
| W 1202 053-3 | 358418 | 03/27/2005 TO 03/27/2006 | 12/28/2005 |

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1202 053-3 UNTIL 03/27/2006, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW.

IF SAID POLICY IS CANCELLED, OR CHANGED PRIOR TO 03/27/2006 IN SUCH MANNER AS TO AFFECT THIS CERTIFICATE, 10 DAYS WRITTEN NOTICE OF SUCH CANCELLATION WILL BE GIVEN TO THE CERTIFICATE HOLDER ABOVE. NOTICE BY REGULAR MAIL SO ADDRESSED SHALL BE SUFFICIENT COMPLIANCE WITH THIS PROVISION.

THIS CERTIFICATE DOES NOT APPLY TO BUILDING DEMOLITION.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

This certificate can be validated on our web site at <https://www.nysif.com/cert/certval.asp> or by calling (888) 875-5790

U-26.3 VALIDATION NUMBER: 935519733

| ACORDTM CERTIFICATE OF LIABILITY INSURANCE | | | | | | DATE (MM/DD/YYYY) 02/06/06 | |
|---|------|---|-------------------|--|-------------------------------------|--|--------------|
| PRODUCER Northeast Agencies Inc. 2495 Main St. Ste 209 Buffalo, NY 14214-2152 | | | | THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. | | | |
| INSURED Maximum Solutions PO Box 47 Bollvale, NY 10912 | | | | INSURERS AFFORDING COVERAGE INSURER A: Utica First Insurance ART 125046400 INSURER B: INSURER C: INSURER D: INSURER E: | | NAIC # | |
| COVERAGES THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. | | | | | | | |
| INSR | ADSL | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YYYY) | POLICY EXPIRATION DATE (MM/DD/YYYY) | LIMITS | |
| A | LTR | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR | TBD ART 125046400 | 05/14/2005 | 05/14/2006 | EACH OCCURRENCE | \$ 1,000,000 |
| | | | | | | DAMAGE TO RENTED PREMISES (Per occurrence) | \$ |
| | | | | | | MED EXP (Any one person) | \$ 5,000 |
| | | | | | | PERSONAL & ADV INJURY | \$ 1,000,000 |
| GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | | | GENERAL AGGREGATE | \$ 2,000,000 |
| AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | | | COMBINED SINGLE LIMIT (Per accident) | \$ |
| GARAGE LIABILITY <input type="checkbox"/> ANY AUTO | | | | | | BODILY INJURY (Per person) | \$ |
| EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION | | | | | | BODILY INJURY (Per accident) | \$ |
| WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER | | | | | | PROPERTY DAMAGE (Per accident) | \$ |
| DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS | | | | | | AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$ | \$ |
| Additional Insureds: Family Health Center of Newburgh 98-100 Broadway Newburgh, NY 12550 | | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$ | \$ |
| The Elks Club of Newburgh Lodge#247 153-155 Liberty St. Newburgh, NY 12550 | | | | | | WC STATUTORY LIMITS E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$ | |
| 96 Broadway LLC 96 Broadway Newburgh, NY 12550 | | | | | | | |
| CERTIFICATE HOLDER City Of Newburgh 123 Grand St. Newburgh, NY 12550 | | | | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE | | | |

**Allstate.**

You're in good hands.

IMPORTANT

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



JOSEPH A GIGLIO
EXCLUSIVE AGENT
204 MAIN STREET
GOSHEN, NEW YORK 10924
BUS: (845) 291-3677
294-8977
FAX: (845) 294-4790

FAX TRANSMITTAL FORM

DATE:

2/6/06

TO

City of Newburgh

FROM: JOE GIGLIO
MARGARET BENNETT

FAX NUMBER:

569-0096

NO. OF PAGES INCLUDING COVER SHEET:

Certificate of Insurance
for Maximum Solutions

Exhibit C

**CITY OF NEWBURGH
BUILDING INSPECTOR'S OFFICE**

22 Grand Street
Newburgh, New York 12550

Phone: 569-7400
Fax: 569-7435

January 25, 2006

96 Broadway LLC
96 Broadway
Newburgh, New York 12550
Attn: Douglas Dollinger, Esq.

Reference: Building Permit for 96 Broadway

Dear Sir:

Enclosed is the review by Mr. Abt of your submitted plans with regard the above captioned project.

As noted in his comments he has recommended a preliminary meeting, which I concur with. I would like to schedule this meeting at the earliest possible time. Listed below are the days available for a preliminary meeting and deadlines for scheduling of meetings:

Meeting Date

Second Tuesday of each month

Fourth Tuesday of the month

Deadline for Scheduling:

Last working day of the month

Second Friday of the month

Additionally, for your information, all reviews are the applicant's expense and all fees must be paid prior to the issuance of a building permit. See attached invoice.

If you have any questions, please contact me directly.

Sincerely,


William Cummings
Director of Code Compliance

WC/mh

PLAN REVIEW

for

CITY OF NEWBURGH BUILDING INSPECTOR'S OFFICE

PROJECT: 96 Broadway
Reconstruction & Additions
REVIEWER: Wheldon A. Abt, Architect

DATE: January 23, 2006

Drawings & Specifications prepared & certified by:
Eric Knute Osborn, Architect NYS Lic.#021585

The following comments are based upon Drawings A-2, A-3, S-1, and S-2 dated October 2005 and the Building Permit Application dated 1/17/2006:

Comment #

1. Applicable Regulations - The project is subject to Appendix K for the Rehabilitation of Existing Structures of the Building Code of New York State and Title 19 Codes as applicable. See comments below.
2. General - The project consists of Reconstruction, Alterations, and Addition, and possible Change of Use for an existing three story building. Chapters K1 - K7 apply to Alterations and Reconstruction, Chapter K8 applies to Change of Use, and Chapter K9 applies for Additions. Additions require full compliance with the Building Code of NYS except as modified by Chapter K9. The building may also be subject to Chapter K10 for Historic Buildings. A Preliminary Meeting and Building Evaluation are recommended as required for this project in order to establish the specific applicability of the provisions of the code and the requirements of the Building Evaluation in accordance with Sections K104.1 and K104.2. The Building Evaluation will at a minimum require a complete structural evaluation for the existing and proposed uses as well as proposed Alterations and Additions, and should address the basic requirements for Alterations, Reconstruction, and Additions as referenced below. The registered design professional for the project should attend the Preliminary Meeting. See comments below.
3. Alterations - Chapters K1 - K6
New elements to comply with Title 19 Codes. Section K601.3. Note that this includes the elevator and exit stairs. See Sections K602 Structural, K603 Electrical, K604 Accessibility, and K606 Mechanical.
4. Reconstruction - Chapter K7
Reconstruction work areas are to comply with Section 702 Means of Egress (indicate means of egress systems on the plans including: occupant loads, travel distance to exist, required exits), K703 Interior Finish, K704 Shaft Enclosures, K705 Fire Separations and Smoke Barriers, K706 Automatic Sprinkler Protection (Note requirements for sprinkler system including the Fire Code of NYS), K707 Fire Alarm and Detection Systems (Note requirement), and K709 Boiler/Furnace Rms.
5. Additions - Chapter K9
Additions are to comply with Title 19 codes, except as modified by Chapter K9. Section K901.1.
6. Historic Buildings - Chapter K10
If this Chapter is utilized, a written report is required to be prepared in accordance with Section K1001.1.

END OF COMMENTS

WHELDON A. ABT, ARCHITECT, P.C. 90 CRYSTAL RUN ROAD • MIDDLETOWN, NY 10941 • 845-695-1444

January 23, 2006

Mr. Bill Cummings, Code Compliance Supervisor
City of Newburgh Building Inspector's Office
22 Grand Street
Newburgh, N.Y. 12550


Bill #041

Billing for professional architectural services in accordance with our Agreement
for consulting services for a Plan Review for Reconstruction and Additions to
96 Broadway including all work from 1/18/06 through 1/23/2006. Thank you.

Plan Review: 1/13/2006

W. Abt 4 Hours @ \$85./hr. = \$340.

Total Due: \$340.


Wheldon A. Abt

WHELDON A. ABT, ARCHITECT, P.C. 90 CRYSTAL RUN ROAD • MIDDLETOWN, CT 06457

January 23, 2006

Mr. Bill Cummings, Code Compliance Supervisor
City of Newburgh Building Inspector's Office
22 Grand Street
Newburgh, N.Y. 12550

RE: Plan Review
96 Broadway

Dear Mr. Cummings,

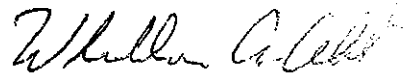
Please find enclosed Plan Review comments on this project.

This project includes the Alteration and Reconstruction with an Addition to an existing three story building. It is my recommendation that a Preliminary Meeting and a Building Evaluation are required for this project.

The Building Evaluation for this project will be required to examine and document the existing structure including its capacity to support an addition as well as the existing or prior occupancies. The project is probably not suitable for Use for at least a portion of the project. The project documents at this time do not sufficiently address compliance with the code. The estimated cost given as \$150,000. on the Building Permit Application is, in my opinion, inadequate for the complete Reconstruction of a three story 10,000 sq.ft. building with two floors of offices, two apartments, and an addition.

Please contact me regarding this Plan Review, if you have questions or need information on the Plan Review or project. Thank you.

Sincerely,



Wheldon A. Abt

**CITY OF NEWBURGH
BUILDING INSPECTION OFFICE**

(845) 569-7400 TELEFAX (845) 569-7435

**BUILDING
PERMIT**

2006-00094

This document certifies that a Building Permit has been issued by the City of Newburgh Building Inspector Office for work to be performed at the address listed below.

Location: 96 Broadway
Section, Block. Lot: 30.-5-22

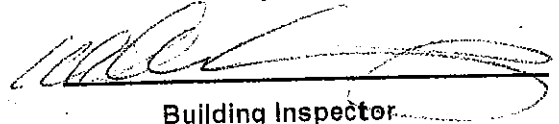
Owner: 96 BROADWAY LLC

Contractor: MAXIMUM SOLLUTIONS INC

This Permit is issued for the following work to be performed:

THIS PERMIT IS FOR ROOF REPAIR ONLY PER LETTER FROM ARCHITECT
DATED FEBRUARY 3, 2006

Authorized By:



Building Inspector

Date: 2/6/2006

This Document Must be Conspicuously Posted On The Premises

ERIC KNUTE OSBORN ARCHITECT

7 JOYCE PLAZA STONY POINT, NEW YORK 10980

ROCKLAND COUNTY OFFICE 845-947-4614

FAX 845-947-4930/2ND LINE 947-7900

ORANGE COUNTY OFFICE 845-496-9000

LICENSED IN NEW JERSEY & NEW YORK

IN BUSINESS SINCE 1990

REPORT OF FINDINGS

February 3, 2006

City of Newburgh
Building Department
Via Fax: 569-0096

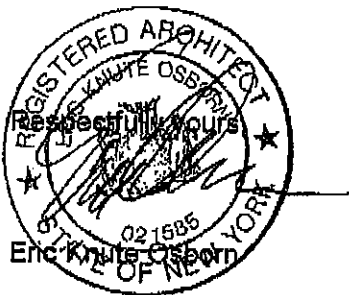
Regard: 96 Broadway LLC
City of Newburgh

Dear Mr. Cummings,

This letter is in reference to the safety of roof repair for the above mentioned building.

This building can support roof repair.

If you have any questions or concerns, please contact my office at 845.947.4614



781-3289
Dan
96 B'way

Issue
Roof
only

ERIC KNUTE OSBORN + ARCHITECT

7 JOYCE PLAZA STONY POINT, NEW YORK 10980
ROCKLAND COUNTY OFFICE 845-947-4614

FAX 845-947-4930 / 2ND LINE 947-7900

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LICENSED IN NEW JERSEY & NEW YORK
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REPORT OF FINDINGS

February 3, 2006

City of Newburgh
Building Department
Via Fax: 569-0096

Regard: 96 Broadway LLC
City of Newburgh

Dear Mr. Cummings,

This letter is in reference to the safety of roof repair for the above mentioned building.

This building can support roof repair.

If you have any questions or concerns, please contact my office at 845.947.4614

Respectfully yours,

Eric Knute Osborn

WHELDON A. ABT, ARCHITECT, P.C. 90 CRYSTAL RUN ROAD • MIDDLETOWN, NY 10941 • 845-695-1444

February 3, 2006

Mr. Bill Cummings, Code Compliance Supervisor
City of Newburgh Building Inspector's Office
22 Grand Street
Newburgh, N.Y. 12550

RE: Plan Review
96 Broadway
Resubmitted plans

Dear Mr. Cummings,

I have received revised Drawings for this project along with a request for shoring & bracing, because the building may not be stable in its present condition.

The Plan Review dated 1/23/2006 indicates that a Building Evaluation is required in accordance with Section 104.2 which will be discussed at a Preliminary Meeting (scheduled for 2/14/06). The Plan Review indicates that at a minimum the Building Evaluation will require a complete structural evaluation. Section 104.2 states that the Building Evaluation is to be performed by a licensed design professional. It is my recommendation that any work, including shoring & bracing, performed before such an evaluation would place the workers at unacceptable risk.

The resubmitted Drw. A-1 includes a Note on the Modified Section "Building to be shored up and braced floor to floor as Reconstruction moves upward to replace floor and roof. Notify Architect, Owner, and City of Newburgh immediately with any concerns of structural instability during shoring process." This note is not an Evaluation by a licensed professional. This note directs the evaluation of instability to someone else.

Shoring and bracing for new construction is generally considered a construction method with the contractor responsible for obtaining professional advice. This is not the case with this project. The structural evaluation should indicate whether and how shoring and bracing could be accomplished with reduced risk to employees and in accordance with OSHA. Please contact me, if you have questions regarding this recommendation.

Sincerely,



Wheldon A. Abt

ERIC KNUTE OSBORN + ARCHITECT

7 JOYCE PLAZA STONY POINT, NEW YORK 10980
ROCKLAND COUNTY OFFICE 845-947-4614
FAX 845-947-4930 / 2ND LINE 947-7900
ORANGE COUNTY OFFICE 845-496-9000
LICENSED IN NEW JERSEY & NEW YORK
IN BUSINESS SINCE 1980

REPORT OF FINDINGS

February 3, 2006

City of Newburgh
Building Department
Via Fax: 569-0096

Regard: 96 Broadway LLC
City of Newburgh

Dear Mr. Cummings,

I visited this property in August, September and again in October of 2005 to analyze the existing conditions.

Overall the brick supporting walls are in very good condition considering the age of this structure. It is evident that the front two thirds of this building is original and that the rear third of the building was added some years later.

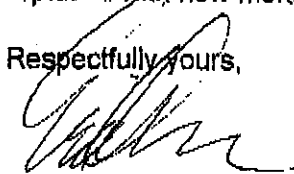
Visually window & door lintels are level, true and not loose. The front two thirds of the building the wall construction is 12" brick, the rear third is 8" brick walls however these are newer than the front and do not exceed two stories above grade. There are interior steel beams set into the side walls for lateral support and appear to be fine. The mortar between the brick is hard and sound. In the rear third of the building there is a basement which is relatively dry and sound structurally. The roof does leak and is in need of repair.

Some floor joists for the main floor need replacing (approx. 8 joists). The rear third of the second floor structures needs replacement. With replacing joists new pockets shall be cut and re-secured with new mortar. Joists to be fire cut. Abandoned pockets to be filled solid with new mortar.

New steel and masonry shall be installed for the elevator shaft and shall be tied into the existing structure.

The building is to be shored and tied into the floor system on each floor as it is repaired, replaced and reconstructed for the interior on a floor by floor progression up to the roof. The roof repair will tie in the top of the masonry wall. Any loose mortar is to be removed and replaced with new mortar.

Respectfully yours,



Eric Knute Osborn

Exhibit E

Feb 14 2006
96 Broadway

Opening of meeting conducted by Mr Abt
outlining appendix K and requirements
for a structural evaluation by a
design professional. Reconstruction chapter.

Discussion of Mixed occupancy to include
residential on Fourth Floor and determine
if building construction is applicable to
mixed occupancy to height and area.
This would move into addition chapter.

All new building elements to meet code.
sprinkler required.

Elevator proposed. Chap 30 outlines types
of elevators allowed for K applications.

Historic Chap 10 discussed.

Back to discussion on structural evaluation,
shoring & bracing - discussion on responsibility.
Mr Abt stated that it left to contractor.
must have engineers drawings on shoring and
bracing methods.

Mr Abt suggested they call code Bureau for information on code loads and other aspects of code. Mr Abt then addressed various procedures for appeals and variances.

Building representative very concerned about Newburghs Historic requirements would prevent them from renovating and reconstruction as to their needs.

Need to go to Historic Review Board.

EP

